

R. ERIC HUTZ (#2702)
CONNOLLY BOVE LODGE & HUTZ, LLP
Attorneys for Plaintiff
The Nemours Building
1007 N. Orange Street
Wilmington, DE 19899
Phone (302) 658-9141

LARRY R. LAYCOCK (*motion to appear pro hac vice pending*)
CHAD E. NYDEGGER (*motion to appear pro hac vice pending*)
WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
Telephone: (801) 533-9800

Attorneys for Plaintiff
SUN OPTICS, INC.

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF DELAWARE

SUN OPTICS, INC., a Utah Corporation,
Plaintiff,

v.

FGX INTERNATIONAL, INC., a Delaware
Corporation,
Defendant.

Civil Action No. 1:07cv137-SLR

**DECLARATION OF
BRUCE RAILE IN OPPOSITION TO
DEFENDANT'S MOTION TO
DISMISS**

Filed April 26, 2007

Bruce Raile, declarant herein, declares as follows:

1. I am a citizen of the United States, am over the age of 21, and am competent to testify to the matters set forth herein.
2. I am the President, CEO, and co-founder of Sun Optics, Inc. ("Sun Optics"), Plaintiff in the above-captioned matter.

3. The only products accused of infringing the '427 and '180 patents located in Utah of which Sun Optics was aware at the time Sun Optics filed a Complaint against FGX in the District of Utah were mailed directly to Sun Optics's offices in Utah by FGX and its distributor.

I have read the foregoing declaration and declare under penalties of perjury that the contents thereof are true and correct of my own personal knowledge.

Dated this 17 day of April, 2007.



BRUCE RAILE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SUN OPTICS, INC., a Utah Corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	
FGX INTERNATIONAL, INC., a Delaware)	Civil Action No. 1:07cv137 SLR
Corporation,)	
)	
Defendant.)	
)	
)	

CERTIFICATE OF SERVICE

I, R. Eric Hutz, hereby certify that on April 26, 2007, I caused to be electronically filed a true and correct copy of the foregoing with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record.

Donald J. Detweiler, Esquire (I.D. 3087)
Sandra G. M. Selzer, Esquire (I.D. 4283)
GREENBERG TRAURIG, LLP
The Nemours Building
1007 North Orange Street
Suite 1200
Wilmington, DE 19801
Attorneys for defendant
FGX International, Inc.

I further certify that on April 26, 2007, I caused a copy of the foregoing to be served by hand delivery on the above-listed counsel of record.

/s/ R. Eric Hutz
R. Eric Hutz